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|---|----|--|----|
| | 70 | | 72 |
| 1 Q. What was Kathy's job? | | 1 African American, Caucasian, Asian or | |
| 2 A. Uhm, I believe she was a | | 2 Asian American? | |
| 3 customer service manager at the front | | 3 A. To me, he looked like he was | |
| 4 desk. | | 4 Caucasian, but he also looked kind of on | |
| 5 Q. Okay. Do you know why she | | 5 the borderline of Australian. | |
| 6 quit? | | 6 Q. And how about Mike in | |
| 7 A. Just butting heads with | | 7 plumbing? | |
| 8 Yvette and just didn't see eye to eye on | | 8 A. Mike in plumbing? | |
| 9 many issues. | | 9 Caucasian. | |
| 10 Q. Anybody else who you can | | 10 Q. How about Kathy in customer | |
| 11 think of offhand who quit during that | | 11 service? | |
| 12 time frame? | | 12 A. Caucasian. | |
| 13 A. Actually, Kathy's boss, | | 13 Q. How about Kathy's boss? | |
| 14 customer service – like assistant store | | 14 A. Caucasian. | |
| 15 manager, but just for the customer | | 15 Q. So then it's fair to say | |
| 16 service desk and cashiers, basically the | | 16 that a lot of people didn't get along | |
| 17 whole front end of the store. I can't | | 17 with Yvette? | |
| 18 remember her name, though. | | 18 A. Yes. | |
| 19 Q. Was it a woman? | | 19 Q. And a lot of people quit, as | |
| 20 A. It was a woman. | | 20 far as you know, because they didn't like | |
| 21 Q. Anybody else who you can | | 21 working for her? | |
| 22 think of? | | 22 A. Yes, sir. | |
| 23 A. I would say names, but I'm | | 23 Q. Now, the incident in which | |
| 24 not going to say a name -- like I know a | | 24 you quit your job at Lowe's when you say | |
| | 71 | | 73 |
| 1 lot of faces. I can associate the faces | | 1 that Yvette crumbled up the doctor's note | |
| 2 with people quickly, but I can't | | 2 that you gave her, were there any | |
| 3 associate the names with faces, so I will | | 3 witnesses to that? | |
| 4 just end it there. I won't just start | | 4 A. Yes, sir. | |
| 5 throwing names at you because the names I | | 5 Q. Who witnessed it? | |
| 6 will tell you, they will probably be | | 6 A. Jackie. | |
| 7 wrong. | | 7 Q. Who is Jackie? | |
| 8 Q. You gave me Jeff Ramirez, | | 8 A. I -- I don't know the last | |
| 9 Steve Fowler, another Mike in plumbing, | | 9 name. She was a customer service desk | |
| 10 Jay Hammond, and Kathy in customer | | 10 employee. | |
| 11 service? | | 11 Q. Was it a woman? | |
| 12 A. Yes, sir. | | 12 A. A woman. | |
| 13 Q. And Kathy's boss? | | 13 Q. Was she there when it | |
| 14 A. Which I can't remember her | | 14 happened? | |
| 15 name. | | 15 A. Yes, sir. | |
| 16 Q. And Jeff Ramirez, what's his | | 16 Q. Did you ever discuss it with | |
| 17 race? | | 17 Jackie? | |
| 18 A. Hispanic. | | 18 A. Yes, sir. | |
| 19 Q. How about Steve Fowler? | | 19 Q. What did you discuss with | |
| 20 A. Italian. | | 20 Jackie about it? | |
| 21 Q. How about Jay Hammond? | | 21 A. That she witnessed what had | |
| 22 A. I'm not sure what his | | 22 transpired. | |
| 23 nationality is. | | 23 Q. What did Jackie say? | |
| 24 Q. Do you know whether he was | | 24 A. She said she did. | |

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| | 74 | 1 Q. Did she tell you anything 2 else about it? 3 A. She said that she felt that 4 it was wrong. 5 Q. What did she see? 6 A. She saw -- she didn't see 7 the crumbling of the document, but she 8 just saw Yvette escort me out and that 9 she was yelling at me. 10 Q. Is there anybody else who 11 witnessed it? 12 A. Wanda. 13 Q. Who is Wanda? 14 A. Customer service desk 15 employee. 16 Q. Did you ever discuss it with 17 Wanda? 18 A. No, sir. 19 Q. But she was there when it 20 happened? 21 A. She was there when it 22 happened. 23 Q. Anybody else who you 24 remember who witnessed it? | | 76 | 1 A. He was outside in the 2 concessions stand and I was just going to 3 get some hot tea, hot coffee, whatever 4 they had, and he was waiting in line to 5 get something. 6 Q. Okay. 7 A. I was waiting in line to get 8 tea and coffee. 9 Q. Were you able to speak? 10 A. Just a very little bit. 11 Q. Okay. Was that before or 12 after you were being escorted out? 13 A. It was -- I thought the 14 escorting part was done. Yvette made it 15 a point to come back outside and make 16 sure that I went to my car and that I 17 left. She goes, your car is there and 18 you need to go that way. 19 Q. So after she escorted you 20 out, you were going to buy coffee and tea 21 from the vendor? 22 A. Correct. 23 Q. Okay. And Yvette saw you 24 trying to buy coffee and tea? |
| | 75 | 1 A. Yes, uhm, Chuck. I don't 2 remember the last name. 3 Q. Who is Chuck? 4 A. Shipping and warehouse 5 manager, warehouse department manager. 6 Q. Did you ever discuss it with 7 Chuck? 8 A. Yes, sir. 9 Q. What did you discuss with 10 Chuck about it? 11 A. Actually, it was that day, 12 right then and there, when she was in 13 front of me, and I said, I can't believe 14 this is happening. He goes, don't worry 15 about it, and that's all he said. 16 Q. Did you ever discuss it with 17 him again? 18 A. I have never seen -- well, I 19 have seen him, but we didn't discuss it. 20 Q. Okay. At that time, you had 21 laryngitis, didn't you? 22 A. Yes, sir. 23 Q. How were you having this 24 conversation with Chuck? | | 77 | 1 A. Yes, sir. 2 Q. And told you to go to your 3 car? 4 A. Yes, sir. 5 Q. Any other problems that you 6 remember having with Yvette other than 7 what you have told me? 8 A. From -- not promotion, but 9 pay raise. 10 Q. What kind of pay raise 11 problems did you have with Yvette? 12 A. I mean, minuscule, really 13 nothing, like a 50-cent pay raise that 14 she said if I do as many code 3s as 15 possible, running the registers and -- 16 basically anything that she asked me, if 17 I fulfilled it, I get 50 cents. 18 I did, and when it came time 19 for the pay raise I didn't get the 50 20 cents, and she made it a point -- it's 21 very minuscule, but I ended up getting 25 22 cents. It's minuscule. 23 Q. Let me back up for second. 24 She said if you go -- if you |

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| <p>1 do all the code 3s, I will give you a 2 50-cent raise? 3 A. No. I would like to 4 rephrase myself. 5 Not verbatim. Code 3s was 6 one of the many things, because there 7 would be times where she would ask me to 8 get down stock. If she told me to get 9 things down from the top and bring them 10 to the bottom and stock it and front face 11 it and make sure the price is right, just 12 various tasks. Like any time she asked 13 me to do something, which she did 14 regularly, and I had a department 15 manager, but she made it a point to go to 16 me directly, she says if I continued to 17 do what she asked of me, then I will get 18 a 50-cent pay raise. Code 3 was just one 19 of many tasks.</p> <p>20 Q. Okay. When did she tell you 21 that?</p> <p>22 A. This was probably like -- I 23 mean, that was three or four months when 24 she started, because when she started I</p> | <p>78 1 when I first started and just was 2 learning. In the early '90s, it was 25 3 cents. 4 Q. Any other problems that you 5 had with Yvette during the time that you 6 worked for Lowe's? 7 A. Yes. 8 Q. Okay. 9 A. I had some friends that 10 wanted to apply for Lowe's, that wanted 11 to apply for Lowe's, and at the time the 12 new procurement was doing it on computer, 13 and I told them I would help them out on 14 my lunch break and do that. And where 15 you apply for Lowe's at the computer 16 station is right by Yvette's office. 17 And she goes, what are you 18 doing? 19 I said, I'm just helping my 20 friends apply here at Lowe's. 21 And she goes, well, are you 22 off the clock? 23 I said, yes, ma'am, I am off 24 the clock.</p> |
| <p>79 1 was close to my, uhm, uhm, annual pay 2 increase. 3 Q. So about three or four 4 months after she started -- 5 A. Yes, sir. Yes, sir. 6 Q. -- she did that to you? 7 A. Yes, sir. 8 Q. And when did you have a pay 9 raise after that? 10 A. I don't remember -- I'm not 11 going to remember the exact dates, it has 12 been so long ago, but it wasn't that long 13 after she started. 14 Q. And she gave you 25 cents 15 instead of 50? 16 A. Yes, sir. 17 Q. What had your pay raises 18 been like before that time? 19 A. A dollar. Some of them 50 20 -- more 50 cents, but I have had a few 21 that were a dollar pay raises. Okay? 22 Q. And anything less than 50 23 cents? 24 A. Yes, from going back to '96</p> | <p>81 1 And she should have checked 2 it before she even did that, but then she 3 went back to the office and then found 4 out that I was off the clock and then she 5 went by me and then I says, so what's 6 wrong? 7 She goes, you're just going 8 to look fishy. It looks fishy. And that 9 kind of made my friends not want to work 10 there, because I was trying to help them 11 out, and when they saw that was coming 12 from the store manager, they said forget 13 it. They didn't even finish applying. 14 Q. Who were those friends? 15 A. Jack, and he was with his 16 girlfriend. 17 Q. What's Jack's last name? 18 A. I don't remember. 19 Q. How about his girlfriend? 20 A. I don't remember. 21 Q. Do you remember her first 22 name? 23 A. No, sir. 24 Q. Do you remember when that</p> |

21 (Pages 78 to 81)

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| <p>1 was?</p> <p>2 A. This was back in 2000, 2001</p> <p>3 about.</p> <p>4 Q. Where did they live?</p> <p>5 A. Same place where I lived.</p> <p>6 Actually, I say friends, but they are</p> <p>7 more neighbors than friends, at Acorn</p> <p>8 Farms where I used to live.</p> <p>9 Q. Have you ever seen them</p> <p>10 since then?</p> <p>11 A. No, sir.</p> <p>12 Q. Any other problems that you</p> <p>13 had with Yvette during the time that you</p> <p>14 worked for Lowe's?</p> <p>15 A. Uhm, probably just no</p> <p>16 appreciation, just lack of appreciation,</p> <p>17 probably, on everything.</p> <p>18 Q. And what do you mean by</p> <p>19 that?</p> <p>20 A. She would ask me to come to</p> <p>21 home decor. She would ask me to down</p> <p>22 stock all the mini blinds, and I did that</p> <p>23 way -- she would say get done before we</p> <p>24 closed to down stock all the mini blinds,</p> | <p>82</p> <p>1 Q. So she wasn't very pleasant,</p> <p>2 was she?</p> <p>3 A. No, sir.</p> <p>4 Q. Was she that way to</p> <p>5 everybody else, too?</p> <p>6 A. I would say a majority.</p> <p>7 Q. And she didn't show</p> <p>8 appreciation to the other people who</p> <p>9 worked there, too?</p> <p>10 A. For the most part.</p> <p>11 Q. Any other problems that you</p> <p>12 had with Yvette that you remember during</p> <p>13 the time that you worked there?</p> <p>14 A. I would probably say with,</p> <p>15 uhm, working -- working for Linda was</p> <p>16 pretty tough, too, because Linda and</p> <p>17 Yvette both came from Louisiana from the</p> <p>18 same Lowe's store. Being that Linda</p> <p>19 Myers was my department manager, I was</p> <p>20 getting a lot of flack as far as Linda</p> <p>21 would tell Yvette this, this and that,</p> <p>22 and I just felt that that just wasn't</p> <p>23 fair. No matter how hard I worked, it</p> <p>24 was just never enough.</p> |
| <p>1 and I would get done an hour before we</p> <p>2 closed and that wasn't good enough, so</p> <p>3 instead of giving me a simple thank you,</p> <p>4 she told me that I needed to clean, you</p> <p>5 know, just feather dust the mini blind</p> <p>6 display.</p> <p>7 Other times, going outside,</p> <p>8 pushing the carts inside to make sure</p> <p>9 there's no loose shopping carts in the</p> <p>10 parking lot and, uhm, nobody wanted to do</p> <p>11 it. I would do it. Instead of</p> <p>12 appreciation, she would just make it a</p> <p>13 point to realize that, you know, I didn't</p> <p>14 do the warehouse or the -- not the</p> <p>15 warehouse, but the lumber carts. They</p> <p>16 have big blue carts for like lumber,</p> <p>17 concrete, and she would say stuff, well,</p> <p>18 you know, there's still some out there,</p> <p>19 you know, and I was like one of just a</p> <p>20 couple people out there.</p> <p>21 And then when that would get</p> <p>22 done, instead of just saying thank you,</p> <p>23 she goes you can go, you know. You can</p> <p>24 go.</p> | <p>83</p> <p>1 Q. Let me back up for a second</p> <p>2 because I was talking about problems you</p> <p>3 had with Yvette. Is this a problem that</p> <p>4 you had with Yvette or is this -- are the</p> <p>5 problems with Linda Myers something</p> <p>6 separate?</p> <p>7 A. I would say it correlates</p> <p>8 with Yvette. I will tell you why.</p> <p>9 Because Yvette for some reason would have</p> <p>10 Linda -- for some reason would have just</p> <p>11 Linda have me do just all these tasks and</p> <p>12 a lot of it wouldn't have to do with</p> <p>13 flooring, and if I didn't -- there would</p> <p>14 be times where I simply just couldn't</p> <p>15 complete the tasks because we were</p> <p>16 understaffed, and they had me running the</p> <p>17 register, and then Linda would just run</p> <p>18 back to the Yvette, so it was like Yvette</p> <p>19 and Linda, and then instead of dealing</p> <p>20 with Linda and addressing her concerns, I</p> <p>21 would hear it from Yvette, too, so I</p> <p>22 would hear it from both of them.</p> <p>23 Q. Okay.</p> <p>24 A. So --</p> |

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| 1 Q. Well, let me make sure I 2 understand it. 3 You wouldn't be getting your 4 tasks done and Linda would complain to 5 Yvette about it? 6 A. Yes, sir. 7 Q. Okay. And how do you know 8 that Linda would do that? 9 A. Because she said Linda said 10 this, Linda said that. 11 Q. Yvette would say that to 12 you? 13 A. Yes, sir. 14 Q. What kinds of things would 15 this happen with? 16 A. Well, Linda said that she 17 couldn't find you, you're supposed to be 18 rolling the carpet runners and she 19 couldn't find you, or Linda said that 20 you're supposed to get all the padding 21 down, why isn't all the padding down? 22 And I am like one of four, 23 five employees, but for some reason it 24 would always go to me. I'm not even the | 86 1 A. If they did, I don't know 2 about it. 3 Q. Okay. Were there other 4 times when, as far as you know, Linda 5 Myers was unable to find you in your 6 department? 7 A. Just -- one time just 8 miscommunication. Yvette wanted me to 9 run the register and I -- Yvette was 10 right in front of me and I said no 11 problem, and I told one of the associates 12 in flooring to cover for me, and instead 13 of Linda communicating with Yvette or the 14 associate, she, uhm, was, I guess, 15 looking for me the whole time, and then 16 they found me at the register and said, 17 what are you doing here? 18 I said, well, Yvette wanted 19 me here. Then she didn't say anything 20 because I guess she knew if Yvette said 21 it, then it wouldn't be a problem, but I 22 did let her know that I spoke with the 23 sales associate in flooring to cover for 24 me and he should have told you that, but |
| 87 1 department manager. I would do the best 2 I could. I even explained the situation, 3 whether I would be with customers or it 4 would be another transaction or doing a 5 special order for a customer on the 6 computer or being on the phone, and none 7 of that was good enough, so I had to deal 8 with not one, but two people, Linda and 9 Yvette, and then Yvette would use me, 10 well, Linda said this and Linda said 11 that, and I don't think anybody was going 12 through that at the time, because Yvette 13 brought two people with her, Linda Myers 14 and then the gentleman that works in 15 shipping and receiving, but I would never 16 see him because he would do the night 17 shift, which would be from 10:00 to 6:00 18 a.m., 10:00 p.m. to 6:00 a.m., so she had 19 two people that were under her umbrella 20 that came from the Louisiana store. 21 Q. Now, would Linda and/or 22 Yvette talk to other employees in your 23 department about some of these same 24 things? | 89 1 I guess she was looking for me the whole 2 time and didn't check on that. 3 Q. So it was just a 4 miscommunication? 5 A. Just a miscommunication, but 6 she was very upset. 7 Q. Okay. Any other problems 8 that you had with Linda Myers during the 9 time that you worked for Lowe's? 10 A. Yeah, one of the -- I just 11 felt like I wasn't being treated fair. 12 Q. Okay. How so? 13 A. We would have, uhm, work -- 14 work lists, uhm, just like a small tab 15 and it would be just a work list on 16 whether to sweep, down stock, front face, 17 make labels, and it just seemed like 18 every time there was a work list, it 19 seemed like the only work list that was 20 there was for me where everybody else 21 didn't get a work list. 22 Q. So it was a list of tasks 23 for you to do? 24 A. Yes. |

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| <p>1 Q. What kind of tasks would be 2 on this list? 3 A. Just, uhm, remedial tasks. 4 A lot of it had to deal with just 5 sweeping, with cleaning, feather dusting, 6 down socking, front-facing, uhm, maybe 7 going to the warehouse, bringing in some 8 carpet, linoleum, padding, a lot of 9 arduous tasks. 10 The other -- I wasn't the 11 only sales associate in that department 12 and it seemed like all the time that, you 13 know, these individuals would get to be 14 on the sales force selling and I was 15 doing the, uhm, uhm, other stuff, what 16 was on the work list, which was just 17 heavy lifting, which I had no problem 18 doing, but it's -- if it's an everyday 19 thing, then I do have a problem with that 20 because there's no delegation and 21 everything is going to me and I am not 22 being able -- able to interact with the 23 customers.</p> <p>24 Q. So Linda was the one who was</p> | <p>90</p> <p>1 went to the department, that that work 2 list -- the only one that was up there 3 was mine. And then every time I would 4 ask, you know, did you get a work list, a 5 lot of the times they would tell me no, 6 they meaning the other sales associates 7 that worked in flooring, and by them 8 telling me that and then I had a work 9 list, it showed me that something wasn't 10 right.</p> <p>11 Q. Did the other employees ever 12 tell you, yes, I did get a work list?</p> <p>13 A. There have been times on 14 that.</p> <p>15 Q. There were other employees 16 who got work lists in the department?</p> <p>17 A. Not on a consistent basis.</p> <p>18 Q. How do you know it wasn't on 19 a consistent basis?</p> <p>20 A. Because every time I 21 reported to work, my work list would be 22 the only one that would be taped up, and 23 then when I did ask, there would be times 24 where they said they did not get a work</p> |
| <p>1 giving you these work lists?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And nobody else got a work 4 list other than you?</p> <p>5 A. No, sir. And if she did -- 6 just I will rephrase that.</p> <p>7 If she did give other people 8 work lists, it is either she didn't do it 9 on a consistent basis.</p> <p>10 Q. How do you know that?</p> <p>11 A. Because, uhm, for the most 12 part, every -- I come in -- my schedule 13 was either being in the morning, 14 afternoon or evening because I did 15 different times, so for the most part, 16 when I had -- our work list is taped 17 right next to the computer monitor, and 18 that's how we got our work lists. It is 19 taped on the computer monitor and we pull 20 it out.</p> <p>21 I mean, there would be times 22 where there might be another work list 23 from the night person, but for the most 24 part, every time it seemed like when I</p> | <p>91</p> <p>1 list.</p> <p>2 Q. Did you get a work list 3 every time you reported for work?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did other employees start at 6 different times than you did?</p> <p>7 A. Some.</p> <p>8 Q. Okay. Were there any 9 employees who started at the same time 10 you did?</p> <p>11 A. Once in a while.</p> <p>12 Q. Did you ever see them with 13 work lists on days that you had work 14 lists?</p> <p>15 A. Not as often.</p> <p>16 Q. But they did have them?</p> <p>17 A. Sometimes.</p> <p>18 Q. Okay. And do you know 19 whether other employees who started at 20 different times would have work lists or 21 not?</p> <p>22 A. Sometimes they would, 23 sometimes they wouldn't.</p> <p>24 Q. How do you know that?</p> |

1 A. I would either not see a
 2 work list and then I would ask them, or
 3 they'd either tell me they did or didn't
 4 have one, but it seemed like most of the
 5 time that they didn't have a work list
 6 where my work list was every time.

7 Q. Okay. Any other problems
 8 that you had with Linda Myers during the
 9 time that you worked for Lowe's?

10 A. Micro management.

11 Q. What do you mean by that?

12 A. With the other workers it
 13 seemed like she would kind of let them
 14 just do whatever they had to as far as it
 15 would be sales or stocking, and with me,
 16 she always -- and I don't know why, but
 17 with me she always had to make sure that
 18 -- she would come by me like every --
 19 probably every half hour on the half
 20 hour, whether -- if flooring would have
 21 four aisles, one aisle would be linoleum,
 22 one aisle would be hardwood and one aisle
 23 would be carpet, and she would always go
 24 by me, what are you doing, what are you

94 1 A. That I can't understand why
 2 she always feels as if she has to check
 3 up on me.

4 Q. What did Ryan say?

5 A. He didn't really -- he -- he
 6 wasn't much of a like support unit or
 7 anything like that. His -- his quote
 8 verbatim was, that is messed up, and that
 9 was the end of that.

10 Q. Anybody else you ever
 11 discussed it with at Lowe's?

12 A. Larry Reed.

13 Q. What did you discuss with
 14 Larry Reed?

15 A. That I just was unhappy with
 16 the way that I was getting treated in the
 17 flooring department.

18 Q. And what did Larry say?

19 A. He goes, well, if you're not
 20 that comfortable, you can always come
 21 over to my department, but that never did
 22 happen.

23 Q. What department was Larry in
 24 again?

95 1 doing.

2 It's okay maybe a few times
 3 throughout the day, but this was like
 4 every half hour on the half hour as a
 5 regular routine, and even if she didn't
 6 say anything to me, she did go by my
 7 numerous times, and it wasn't to get
 8 something, but just to check up on me.

9 Q. How do you know she went to
 10 check up on you?

11 A. Because she would stare me
 12 down for a couple of seconds and then go
 13 to another aisle.

14 Q. Do you know whether she did
 15 this to any other employees?

16 A. I don't know. All I know is
 17 she did that to me.

18 Q. Did you ever discuss this
 19 with any employees at Lowe's?

20 A. Yes, sir.

21 Q. Who did you discuss it with?

22 A. Ryan Hogate.

23 Q. What did you tell Ryan
 24 Hogate?

97 1 A. Paint department.

2 Q. Any other problems that you
 3 had with Linda Myers?

4 A. Just -- just, uhm, just her
 5 being upset.

6 Q. What do you mean "upset"?

7 A. There would be times because
 8 of my school schedule, for example, she
 9 would want me to maybe come in on a
 10 Saturday or just maybe on a day that
 11 somebody needed to take off and there
 12 have been times when I told her no.

13 Q. I'm sorry, go ahead.

14 A. And -- and she would just
 15 say, well, we work around your school
 16 schedule, you can at least work around
 17 our schedule.

18 Q. And what did you say?

19 A. I said I'm sorry, but I need
 20 this Saturday -- yeah, I know I don't
 21 have school on Saturday, but I need this
 22 to study. That was it.

23 Q. Any other times that you
 24 remember that happening?

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| 1 | A. It was just a couple of | 1 | A. She told me. |
| 2 | times. | 2 | Q. Did Linda at some point |
| 3 | Q. Okay. Had you ever | 3 | supervise Thelma? |
| 4 | complained to anybody about that? | 4 | A. Home decor was at one time |
| 5 | A. Not at work, I just | 5 | part of flooring so there would be |
| 6 | complained to my family. | 6 | supervision -- supervision on that |
| 7 | Q. Did other people at Lowe's | 7 | department. |
| 8 | like working for Linda? | 8 | Q. Did Thelma tell you why she |
| 9 | A. No. | 9 | didn't like working for Linda? |
| 10 | Q. Who didn't like working for | 10 | A. Basically that Linda just |
| 11 | her? | 11 | would delegate to have the ladies just do |
| 12 | A. I can't remember this guy's | 12 | the heavy stuff, and there's commission |
| 13 | name. It's hard for me to remember these | 13 | on sales on special orders, and the only |
| 14 | names. I think his name was Alex. | 14 | time Linda would help out with home decor |
| 15 | Q. Alex? | 15 | is specifically just to do the special |
| 16 | A. Alex. | 16 | orders only to get the sales. She |
| 17 | Q. Who was Alex? | 17 | wouldn't do anything that had to deal |
| 18 | A. Flooring -- there was two | 18 | with cleaning or stocking, not that that |
| 19 | flooring department specialists. He was | 19 | was her job or anything, but she didn't |
| 20 | one of the specialists in the flooring | 20 | contribute even a percent, and everything |
| 21 | department. | 21 | was delegated for -- all the ladies that |
| 22 | Q. Okay. How do you know Alex | 22 | worked there was to do heavy lifting, |
| 23 | didn't like working for her? | 23 | which wasn't right, because a lot of the |
| 24 | A. He told me. | 24 | stuff was like 75 to 100 pounds, and some |
| | | 99 | |
| 1 | Q. Did he tell you why? | 1 | of these ladies were over fifty years of |
| 2 | A. Basically like that he knew | 2 | age, and her -- they were all basically |
| 3 | his job and he felt that Linda didn't | 3 | just unhappy, because the only time she |
| 4 | have to tell him how to do his job. | 4 | would contribute to home decor is when |
| 5 | Q. Was it kind of like you said | 5 | she would take the sales, but that's not |
| 6 | earlier, micromanaging? | 6 | contributing, but -- it is, but really it |
| 7 | A. It kind of had -- with him | 7 | isn't because she's getting commission |
| 8 | it had more to do with the sales aspect. | 8 | off that and taking commission off the |
| 9 | She would interrupt him when he was | 9 | other home decor workers. |
| 10 | trying to sell carpet. She would | | |
| 11 | intervene when she should have just left | | |
| 12 | that alone. Kind of the same, but | | |
| 13 | different aspects. | | |
| 14 | Q. Is that because he had a | 10 | Q. And so they -- Thelma was |
| 15 | little bit of a different job? | 11 | unhappy with the tasks that she was given |
| 16 | A. Yeah, different job | 12 | by Linda? |
| 17 | description. | 13 | A. Yes, sir. |
| 18 | Q. Okay. Anybody else? | 14 | Q. Okay. Is there anybody else |
| 19 | A. Probably Thelma. | 15 | you remember who was unhappy working for |
| 20 | Q. Okay. Who is Thelma? | 16 | Linda? |
| 21 | A. A sales associate in home | 17 | A. That's all that I can |
| 22 | decor. | 18 | remember at this time. |
| 23 | Q. How do you know Thelma | 19 | Q. What's Alex's race? |
| 24 | didn't like working for Linda? | 20 | A. He was Hispanic. |
| | | 21 | Q. How about Thelma? |
| | | 22 | A. African American descent. |
| | | 23 | Q. Any other problems that you |
| | | 24 | had with Linda while you were working at |

26 (Pages 98 to 101)

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| <p>1 Lowe's? Let me rephrase that. 2 Any other problems that you 3 had working with Linda while you were 4 working for Lowe's? 5 A. Not at this time. I don't 6 remember. 7 Q. Okay. Any other problems 8 that you had while you were working at 9 Lowe's, working for Lowe's, other than 10 what you have already told me? 11 A. I'm sorry. Can you repeat 12 that? 13 Q. Sure. Were there any other 14 problems that you had while you were 15 working for Lowe's other than what you 16 have told me, and you have told me about 17 problems that you had with Yvette and 18 problems that you had with Linda, so 19 anything else? 20 A. At this time, that's as much 21 as I can remember at this time. 22 Q. Okay. 23 A. There's other events, but at 24 this time, that's as much as I can</p> | <p>102 1 liquid form, I would bring all the heavy 2 stuff on the shelves, front face it, do 3 the side stacks, end caps, just do a lot 4 of the promotion of all the products 5 there. 6 Q. Let me walk you through a 7 little bit of that because I don't work 8 in a retail store so I might need you to 9 help me out with a little bit of this. 10 Down stock, I'm assuming 11 when you walk into Lowe's there's a lot 12 of stuff kept up high, so is down 13 stocking bringing it down? 14 A. Yes. 15 Q. So that would be part of the 16 job that you did? 17 A. Yes, sir. 18 Q. What else? You said front 19 face, what's that? 20 A. Yes, sir. If we don't have 21 the down stock, we do cycle counts so I 22 would know how many we had in inventory. 23 If I know there's wasn't any in inventory 24 and if there was a product way in the</p> |
| <p>1 remember. 2 Q. Were there any other 3 employees that you had problems with at 4 Lowe's other than Yvette and Linda? 5 A. No, sir. 6 Q. All right. Now, you have 7 told me about leaving Lowe's. Where did 8 you go next to work after that? 9 A. Spectrum. 10 Q. What's Spectrum? 11 A. Servicing Lowe's as an 12 inside/outside garden. It's a vendor 13 management service, uhm, where the Lowe's 14 workers don't really -- it's a good 15 service because for Lowe's employees, 16 they don't have to touch certain 17 products. Lowe's employees don't have to 18 down stock -- well, that's their job, but 19 as far as down stocking from the 20 overhead, that's where vendor management 21 service comes into play. 22 I would come into the store 23 and I would down stock all of the heavy 24 insecticides, whether it be granular or</p> | <p>103 1 back, I will push it to the front to make 2 it look full, and if there was a couple 3 of more, second, third, and make it look 4 full, and then order what we needed so 5 that way we would have a full shelf and 6 not just a front face shelf where the 7 back is all empty. 8 Q. So you push -- when product 9 gets purchased, you push products to the 10 front so it looks full, but at the same 11 time order products for the back to fill 12 it in? 13 A. Yes, sir. 14 Q. Okay. What else did you do? 15 A. Cycle counts. 16 Q. What's a cycle count? 17 A. Inventory, physically 18 counting the amount of product on hand, 19 followed by ordering the product. 20 Q. Okay. 21 A. Then also, uhm, there's a 22 name for this. I can't think of it off 23 the top of my head, but, uhm, RTM 24 department, which is returned merchandise</p> |

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| <p>1 in Lowe's. I would oversee that, so at 2 any time I saw damaged goods, I would 3 salvage it, either by taping it and 4 discounting that product, and if that 5 product was not salvageable, I would have 6 to bring it to the RTM department and 7 give them a credit so they would be 8 issued a credit and then they could 9 discard of the product and that way their 10 inventory is flush with good product that 11 doesn't have any damage to it.</p> <p>12 Other job tasks included PK 13 training, which is training Lowe's 14 employees about the product where you 15 would get like twenty Lowe's employees 16 from five different -- well, in this 17 case, five different Lowe's stores, and 18 then you would educate the Lowe's 19 employees about the product, how to sell 20 the product, merchandise the product.</p> <p>21 I also had a merchandiser 22 that worked for me, too, so that helped, 23 so it would be good service where we 24 would come to a store, a busy store</p> | <p>1 A. Joe Stackhouse. 2 Q. Do you know what his title 3 was? 4 A. He's like a district 5 manager, but I believe his title on the 6 card was area manager is what they called 7 him, an area manager. 8 Q. And you said that you 9 worked -- you worked just for Lowe's at 10 Lowe's stores when you were at Spectrum? 11 A. Home Depot, sorry. 12 Q. That's okay. 13 A. Lowe's and Home Depot. 14 Q. Okay. What Lowe's stores 15 did you work at? 16 A. Lowe's of Dover, Lowe's of 17 Lewis, Lowe's of Bear, Lowe's of 18 Middletown and Lowe's of Wilmington. 19 Q. Okay. So, I'm sorry, it was 20 Dover, Lewis, Middletown, Wilmington? 21 A. Bear. 22 Q. Bear, and Wilmington? 23 A. Yes, sir. 24 Q. Okay. And you also worked</p> |
| <p>1 before the weekend, and I would have my 2 merchandiser work with me, we worked 3 together, make that department look good. 4 A busy-volume store, like 202 on Concord 5 Pike, also Bear, for those busy stores we 6 would do that. I would do Dover, too, 7 probably maybe once a month. 8 I would do it before a 9 weekend because there's five Lowe's 10 stores -- right now there's six in 11 Delaware, but at the time there was five, 12 so we kind of just rotated on what to do 13 before the weekend, but for the most 14 part, every store got serviced that week.</p> <p>15 Q. This is Spectrum; is that 16 right? 17 A. Yes, sir. 18 Q. And what kind of vendor is 19 that? 20 A. It is an inside/outside 21 garden product, insecticide, four-step 22 program for the grass. 23 Q. Who was your supervisor at 24 Spectrum?</p> | <p>1 at Home Depot stores? 2 A. Yes. 3 Q. How many Home Depot stores? 4 A. Five. 5 Q. Do you remember where they 6 were? 7 A. Rehobeth, New Castle, 8 Newark, Glasgow and Wilmington. 9 Q. And you said that Joe 10 Stackhouse was your boss there? 11 A. Yes, sir. 12 Q. You reported to him the 13 entire time that you worked there? 14 A. Yes, sir. 15 Q. Now, when you went to that 16 job at Spectrum, did you know that you 17 would be servicing the Dover store where 18 you had worked for Lowe's? 19 A. Yes, sir. 20 Q. Okay. And did that bother 21 you? 22 A. A little bit. 23 Q. Why did it bother you? 24 A. Because, uh, part of my job</p> |

1 is to get sales. I don't like to say
2 solicit, but trying to over order --
3 Lowe's has a program where they order X
4 amount of products for every department.
5 My job is to make them order when they
6 really didn't need to order, you know,
7 but in doing that, I would have to sell,
8 tell them why they needed 8-foot end cap
9 because it was for -- step 3 --
10 example: Step 3 insecticide, the bugs
11 are coming, we need -- the customers want
12 to, you know, add a lot of nitrogen to
13 their grass, make it green, and also kill
14 the bugs, so I would have to sell myself
15 and be like you need 8-foot end cap. We
16 don't really need --

17 Q. End cap?

18 A. Yeah, an end cap is a --
19 usually like right before you go into the
20 aisle, it's the main one in the front --

21 Q. Okay.

22 A. -- and just like a grocery
23 store, usually discounted stuff, so part
24 of my job was to -- they all have

110 1 product that I was going to throw away,
2 going back to our earlier conversation --
3 Q. Okay.

4 A. -- and I was with the
5 customer, and then instead of saying hi
6 or -- and I was going to initiate the hi,
7 but instead of just trying to figure out
8 like who I was and what I was doing, I
9 guess she found out from someone else
10 right off the bat.

11 It was the first time she
12 had seen me in a while and she was like,
13 are you going to throw that away? And
14 just like that's all she said.

15 And there would be times --
16 I think it was either that day or, like I
17 said, this was the second -- either the
18 first time, she was like -- saying
19 like -- she walked with another
20 gentleman, another manager, and she saw
21 me and she is like, you got to watch out
22 for him.

23 I'm being, what do you mean
24 by that?

111 1 planograms for where what product is
2 supposed to go where, but some -- there
3 was a couple of throughout the store that
4 you -- you know, they could do anything
5 with, but sometimes you don't always go
6 by the planograms, so my job was to get
7 end cap, have them order more product,
8 and that way it increases volume and that
9 way it will increase the sales.

10 Now, you said did it bother
11 me? Yes, it did kind of bother me
12 because I know that Dover will be one
13 where I knew I wouldn't get good sales
14 growth because Yvette would not be
15 willing to work with me, and it proved to
16 be true when I did work at that store.

17 Q. How do you know that she
18 would not be willing to work with you?

19 A. Right off the bat. Uhm, as
20 a matter of fact, when I was telling you
21 about that time when I had -- actually,
22 probably, it was maybe the second time I
23 dealt with her, the time that I was
24 telling you that I had two pallets of

112 1 You know what I am talking
2 about, you got to watch out for him.

3 Q. She said that to you?

4 A. She said that to me with one
5 of the managers, a new manager that
6 happened to be in that garden department,
7 which I didn't like because sometimes
8 department managers could help me get to
9 the store manager, so automatically she
10 just pretty much chastised me in front of
11 that new department manager in the garden
12 department that I was trying to help
13 grow, you know, and that didn't give a
14 good impression on him.

15 As a matter of fact, we
16 didn't even have a rapport after that.

17 Q. Do you remember what his
18 name was?

19 A. Uhm, I don't even remember
20 his name.

21 Q. Do you think she was kidding
22 when she was saying this to you in front
23 of him?

24 A. I don't know.

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| <p style="text-align: right;">114</p> <p>1 Q. Was she smiling at all? 2 A. Yes, sir. 3 Q. Did the department manager 4 say anything when she said this? 5 A. He just laughed. 6 Q. And this is when you worked 7 for Spectrum? 8 A. Yes, sir. 9 Q. You said your sales did not 10 grow at the Dover store the way they did 11 at other stores? 12 A. No, sir, did not grow at 13 all. 14 Q. It did grow at other stores? 15 A. Yes, sir. 16 Q. How much did it grow at the 17 other stores? 18 A. Probably about 60 to 70 19 percent sales growth. 20 Q. What was your sales growth 21 at Dover? 22 A. Like less than single 23 digits, like 9, 8 percent. Every month 24 it was different, but I was not doing any</p> | <p style="text-align: right;">115</p> <p>1 really wanted to leave Lowe's, and I was 2 trying to let bygones be bygones, and I 3 figured I would still be a part of 4 Lowe's, but as a vendor, and I thought 5 maybe some day I would go back to Lowe's, 6 maybe do three to five years as vendor, 7 but not for the same company, another 8 company as a vendor, and then eventually 9 get back into Lowe's. That was my focus. 10 Three to five years vending and then get 11 back into Lowe's. That was actually my 12 whole focus. 13 Q. Did you like working at 14 Lowe's? 15 A. I loved it. 16 Q. Okay. So even though you 17 didn't like working for Yvette and Linda, 18 you still liked working for Lowe's? 19 A. Yes, sir. 20 Q. So would you say they didn't 21 have a huge impact on your job then when 22 you were working for them? 23 A. They -- they had a huge 24 impact uhm, so --</p> |
| <p>1 better than last year's sales. 2 Q. How long did you work for 3 Spectrum? 4 A. About upwards of, uhm, over 5 a year to two years. 6 Q. Over a year to two years? 7 A. Yeah, probably 15 to 19 8 months, somewhere like that. 9 Q. Okay. And you serviced the 10 Dover store the entire time? 11 A. Yes, sir. 12 Q. When you were looking for 13 your job with Spectrum, did it occur to 14 you that maybe since I just quit at 15 Lowe's and I didn't like working for 16 Yvette and Linda, that I shouldn't take a 17 job where I am going to be there one day 18 a week? 19 A. Well, I mean, I never -- I 20 never even -- I regretted quitting 21 Lowe's. I mean, I wanted to make that a 22 career. I had six, seven years fully 23 vested. I mean, a great company. I 24 wanted to go into management, so I never</p> | <p style="text-align: right;">117</p> <p>1 I'm sorry, I don't 2 understand the question. 3 Q. What kind of impact did they 4 have on your job if you still liked 5 working there, but didn't like working 6 for the people you were working for? 7 A. The impact that they had -- 8 because I had worked for four other store 9 managers, Yvette being the fourth, the 10 other three, I'm not the first one 11 because I just started, but like Mike 12 Webbe, then John, they worked with me. 13 When I did term papers for 14 my business classes, they would give me 15 Lowe's fax transmittals, just Lowe's 16 documentation for stuff that I needed for 17 my school projects. They would provide 18 me information for my classes. They 19 would work around my school schedule. 20 And the pay raises were great through 21 Mike and John. They gave me very fair 22 pay raises, like I was telling you a 23 dollar in a couple of cases, and I knew 24 if they were still store managers that I</p> |

WILLIAM HANSON ,

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| <p style="text-align: right;">118</p> <p>1 would get into a management position 2 after I graduated, and I was going to do 3 that after my associate's.</p> <p>4 Q. How did you know that you 5 would get into management?</p> <p>6 A. Because -- well, I shouldn't 7 say that because there's no guarantee.</p> <p>8 Q. Okay.</p> <p>9 A. I shouldn't say that. I 10 felt that I would be a good candidate to 11 get into management.</p> <p>12 I mean, I just loved the 13 Lowe's stock. The way that Lowe's stock 14 had split, the two for one splits, 15 especially in the '90s, the two to three 16 times it happened, knowing that the store 17 managers were millionaires, I mean, being 18 fully vested seven years, the benefits, I 19 mean, the relocation, being able to go to 20 any state you want, for the most part 21 they have openings. The newsletters, the 22 Christmas picnics --</p> <p>23 I mean, I just loved 24 everything about it, and, I'm sorry, to</p> | <p style="text-align: right;">120</p> <p>1 basically it.</p> <p>2 Q. Is that the only promotion 3 that you were told you would get and then 4 didn't get?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you remember when you 7 started working for Spectrum?</p> <p>8 A. Sorry. Repeat the question.</p> <p>9 Q. Do you remember when you 10 started working for Spectrum?</p> <p>11 A. It was about six months, 12 five to six months after Lowe's.</p> <p>13 Q. What did you do in the 14 meantime?</p> <p>15 A. I had no employment.</p> <p>16 Q. Were you still in school?</p> <p>17 A. I was still in school.</p> <p>18 Q. Did you go to school full 19 time?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you try to find any jobs 22 in that time frame?</p> <p>23 A. Yes, sir.</p> <p>24 Q. What kind of jobs did you</p> |
| <p style="text-align: right;">119</p> <p>1 answer your question, the way they 2 impacted my job was when Yvette came into 3 management I didn't feel just like it was 4 family like it was. I felt like I was 5 supported to -- with her to being like 6 not being supported and being more 7 micromanaged. Instead of having a mentor 8 and being coached, I felt like I was just 9 being delegated to do things that I felt 10 wasn't fair because they were not being 11 delegated to other people, per se, just 12 directly to me, and what I wouldn't 13 fulfill -- if I wouldn't fulfill the 14 tasks to their likings, then I would hear 15 about it, not from one, but from two 16 people, Linda and Yvette respectively, 17 and then they would use that as an excuse 18 to make their comments to me, you know, 19 as far as I'm disappointed in you, I 20 couldn't find you, where were you, and -- 21 and just remarks like that.</p> <p>22 Pay raises being 25 cents, 23 not getting promotions when I was told I 24 was getting a promotion. That's</p> | <p style="text-align: right;">121</p> <p>1 try to find?</p> <p>2 A. Production.</p> <p>3 Q. What do you mean by 4 "production"?</p> <p>5 A. I will throw out names like 6 a Playtex, uhm, just something different.</p> <p>7 Q. What kind of work, though, 8 looking at these companies that you 9 looked at?</p> <p>10 A. It was production work. I 11 mean, actually, I will be honest with 12 you, I applied for a little bit of 13 everything, production, warehouse, uhm, 14 sales. I wasn't -- I'm not going to say 15 that I was aggressive and definitely 16 trying to get something, but at the time 17 I just needed a break.</p> <p>18 Q. All right. During the time 19 that you worked for Spectrum, how often 20 were you typically in the Lowe's Dover 21 store, one day a week?</p> <p>22 A. It's about once a week, I 23 mean, sometimes I do it twice a week, but 24 it was once a week.</p> |

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| <p>1 Q. So at least once a week you 2 were there? 3 A. Yes, sir. 4 Q. Were there weeks you didn't 5 go at all? 6 A. There might have been one or 7 two weeks I didn't go because I was busy 8 in other stores. 9 Q. For the most part, it was 10 about a week -- one day a week you were 11 there? 12 A. Yes, sir. 13 Q. Okay. Did you have any 14 problems at the Lowe's Dover store during 15 the time that you worked for Spectrum? 16 A. Yes, sir. 17 Q. What kind of problems did 18 you have? 19 A. Like going back to the -- to 20 talking about the end caps, end caps that 21 I knew were available and even mentioned 22 about getting, I didn't get. 23 I had a competitor named 24 Scott's. Everybody heard of Scott's.</p> | <p>122</p> <p>1 the end caps, because of their 2 relationship with Lowe's? 3 A. She has a good point. 4 Q. So what I am asking you, 5 though, is that, as far as you know, was 6 that correct? 7 A. That's correct, but on a 8 footnote, Spectrum has a relationship 9 with Lowe's, too, but there was a gap 10 from when they last had someone service 11 the Spectrum product and so they were 12 more consistent, per se. 13 Q. Scott's was more consistent? 14 A. Yes, sir. 15 Q. Okay. And do you mean -- 16 when you say "Spectrum had a gap," is 17 that a gap at the Dover store or at 18 Lowe's as a whole? 19 A. Lowe's as a whole. 20 Q. Okay. And so there was a 21 period of time when Spectrum wasn't 22 sending its representatives into the 23 Lowe's stores? 24 A. Yes, sir.</p> |
| <p>123</p> <p>1 They would get all the end caps and side 2 stacks. 3 Q. Did you ever complain to 4 anybody about that? 5 A. Yes, sir. 6 Q. I'm sorry? 7 A. Yes, sir. 8 Q. Who did you complain to 9 about that? 10 A. Department manager. 11 Q. Who was that? 12 A. Debbie. 13 Q. What did Debbie tell you? 14 A. I'd like to -- I'm sorry. I 15 would like to back up. 16 She was the assistant -- she 17 was above the department manager, like an 18 assistant store manager in that area, and 19 Debbie just basically said that she 20 was -- that Scott's has been loyal to 21 Lowe's and they pretty much can get 22 whatever they want. 23 Q. Okay. Do you think that's 24 why -- so is that why Scott's was getting</p> | <p>125</p> <p>1 Q. And Scott's still was? 2 A. Yes, sir. 3 Q. Okay. So is that why 4 Scott's was getting the end caps, as far 5 as you know? 6 A. I like -- I'd like to say 7 yes, but on a footnote, I don't feel like 8 I was given a fair chance to get an end 9 cap. 10 Q. Okay. 11 A. Not necessarily -- I will 12 say that because I had like four other 13 Lowe's stores and I was able to get end 14 caps easily, and I will mention those 15 stores, Middletown and Wilmington are one 16 of the two -- even, actually, Bear, but 17 those two stores, Wilmington and 18 Middletown, I was able to get easy, and I 19 basically used the same thing as I did 20 with any of the other Lowe's stores, that 21 our product is higher with profit margin, 22 the gross margin. Our product is Lowe's 23 product. For Lowe's we sell Sta-green. 24 That's an exclusive Lowe's product.</p> |

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| <p>1 Q. You sell what?</p> <p>2 A. I'm sorry, our product was</p> <p>3 -- Spectrum sells Lowe's products. I</p> <p>4 mean, only sold at Lowe's. You can't buy</p> <p>5 it at Wal-Mart, Home Depot. You can't buy</p> <p>6 it anywhere. The product I sold was</p> <p>7 Lowe's, which was Sta-green grass seed.</p> <p>8 Q. Stage ring?</p> <p>9 A. Sta-green.</p> <p>10 Q. Sta-green, I'm sorry.</p> <p>11 A. It was only sold exclusively</p> <p>12 at Lowe's, so, of course, it's higher</p> <p>13 profit margin, three times as much as</p> <p>14 them, you know.</p> <p>15 Q. Scott's?</p> <p>16 A. As Scott's.</p> <p>17 Q. Okay.</p> <p>18 A. So I really had a case</p> <p>19 because they were going to make sure</p> <p>20 money. And once we filled the product,</p> <p>21 we make it look good, not only because</p> <p>22 it's a lot less in price than Scott's and</p> <p>23 it is more money for Lowe's, but because</p> <p>24 myself and my merchandiser would always</p> | <p>126</p> <p>1 end caps, but it just was a really small</p> <p>2 end cap and that's why I didn't</p> <p>3 capitalize on Bear.</p> <p>4 Q. Did you not have the same</p> <p>5 sales growth that you had at Bear than</p> <p>6 you had at Wilmington and Middletown?</p> <p>7 A. It was comparable. I mean,</p> <p>8 Middletown I really didn't have much</p> <p>9 sales growth because there's not -- the</p> <p>10 demographics there doesn't call for a lot</p> <p>11 of traffic, or higher volume, but I did</p> <p>12 get space, I had a lot of space, but</p> <p>13 nobody buys in Middletown. There are</p> <p>14 just some places where you don't have</p> <p>15 customers, but even though I didn't get</p> <p>16 as much space in Bear as I did in</p> <p>17 Middletown, I would still have a</p> <p>18 significant amount of sales in Bear</p> <p>19 because there's a high volume in Bear,</p> <p>20 Christiana, seven and one, and just like</p> <p>21 Wilmington, one and 95, one with high</p> <p>22 traffic volume and demographics, I mean,</p> <p>23 it sells itself, but again, the actual</p> <p>24 space helps out a lot more in getting</p> |
| <p>127</p> <p>1 stock that product, clean that product</p> <p>2 and make that product look good. I mean,</p> <p>3 it wouldn't be just a bunch of junk</p> <p>4 laying around. I mean, we would make</p> <p>5 everything line flush, cleaned, the</p> <p>6 price, you could read it, and -- uhm, and</p> <p>7 if we were there, we would help the</p> <p>8 customer out, answer any of their</p> <p>9 questions, and stock that product into</p> <p>10 their cart or outside, so, I mean, they</p> <p>11 were getting a good service.</p> <p>12 The same thing as I was</p> <p>13 doing in other stores. I didn't do</p> <p>14 anything different, same sales approach.</p> <p>15 Q. Okay. Now, you said that --</p> <p>16 did you say Middletown and Bear gave you</p> <p>17 end caps?</p> <p>18 A. I'm sorry, I did mention</p> <p>19 Bear, but it was primarily one --</p> <p>20 Middletown and Wilmington.</p> <p>21 Q. Okay. And so Bear did not</p> <p>22 give you an end cap?</p> <p>23 A. They did, but it -- I</p> <p>24 mentioned Bear because they did give me</p> | <p>129</p> <p>1 that extra sales.</p> <p>2 Q. When I asked you earlier</p> <p>3 about your sales growth, you said your</p> <p>4 sales didn't grow at Dover. You told me</p> <p>5 they grew in the 8 to 9 percent range;</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now, you told me that at</p> <p>9 your other stores you had 60 to 70</p> <p>10 percent sales growth; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Now, are you telling me now</p> <p>13 that at Middletown you didn't have that</p> <p>14 kind of sales growth?</p> <p>15 A. It was double digits sales</p> <p>16 growth.</p> <p>17 Q. There's a difference between</p> <p>18 double digits and 60 to 70 percent, and</p> <p>19 you're under oath, and what I want to get</p> <p>20 at is what actually happened at each of</p> <p>21 the stores. What was your growth at</p> <p>22 Middletown?</p> <p>23 A. Double digit.</p> <p>24 Q. What do you mean by "double</p> |

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| <p>1 digit," was it 60 to 70 percent? 2 A. Can I say something on a 3 footnote? 4 Q. Go ahead. 5 MR. PRIMOS: Go ahead. 6 THE WITNESS: What I was 7 giving you outside of Dover, which 8 is Middletown, Bear, Wilmington, 9 and also Rehobeth, I'm averaging 10 those stores as a whole double 11 digit, meaning that from last 12 year's sales I would get upwards 13 of 60 to 70 percent sales growth 14 averaging them all. 15 It would be closer to the 16 60s and 70s than it would be in 17 Dover where it's single digits, 18 like 9 percent or less. 19 BY MR. LEAHY: 20 Q. Okay. So Dover was 9 21 percent sales growth roughly. What was 22 it in Middletown? 23 A. And don't quote me on this. 24 This is all a rough estimate.</p> | <p style="text-align: right;">130</p> <p>1 A. Yes, sir. 2 Q. Yes? 3 A. Yes, sir. 4 Q. Okay. Who did you complain 5 to? 6 A. Yvette. 7 Q. And what did Yvette say to 8 you? 9 A. She says did you talk to 10 Debbie. 11 Q. And what did you say? 12 A. I said yes, I did. 13 And she goes, well, that's 14 all you need to do then. 15 Q. Did Debbie ever give you an 16 end cap? 17 A. No. 18 Q. Did you ever ask her again 19 to get you one? 20 A. I asked her just -- no, sir. 21 Q. So once you asked her to 22 give you an end cap; correct? 23 A. Yes, sir. 24 Q. And she told you no, you</p> |
| <p>1 Q. Okay. 2 A. Middletown was a double 3 digit, but it wasn't like a 60 to 70, 4 probably looking somewhere in the 20s. 5 It's a new store. 6 Q. And were you the first 7 vendor servicing from Spectrum in some 8 period of time? 9 A. Yes, sir, from what I 10 understand, probably over a year 11 Q. So getting back to the 12 problem that you had getting an end cap 13 at Dover, you said that Debbie told you 14 that it was because of the relationship 15 Scott's had had with the store -- with 16 Lowe's? 17 A. Yes, sir. 18 Q. And do you have any reason 19 to doubt that what Debbie had said was 20 true? 21 A. No, sir. 22 Q. And did you complain to 23 anybody else about not getting an end cap 24 there?</p> | <p style="text-align: right;">131</p> <p>1 can't have it? 2 A. Yes, sir. 3 Q. Okay. And you never asked 4 her again? 5 A. Not for an end cap. I asked 6 her for space. 7 Q. And what did she tell you 8 when you asked her for space? 9 A. She gave me assigned spaces. 10 We have little quarter pallets. The 11 quarter pallets are outside of the bays 12 and she would let me just like put -- a 13 quarter pallet could be up to four, five 14 feet high, so she would let me put 15 certain products in certain aisles, 16 because the aisles aren't just aisles, 17 but you will have an aisle here, but you 18 will have something sticking out like 19 that or on this side here, so she would 20 just let me put quarter pallets, really 21 small ones in certain spaces, and a sign, 22 so she would work with me on that. 23 Q. So did she give you the 24 space that you were asking for then?</p> |

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|---|---|
| <p>1 A. No, she gave me the space 2 that she assigned me to. 3 Q. Okay. And you wanted more 4 space? 5 A. I wanted it in a specific 6 location. 7 Q. Okay. So she didn't give 8 you the location you wanted? 9 A. Yes, sir. 10 Q. Did you say to her, I would 11 rather have this other location? 12 A. Yes, sir. 13 Q. What did she say? 14 A. She said that's for Scott's. 15 Q. Okay. Did you ever complain 16 to anybody about that? 17 A. My boss. 18 Q. And what did your boss tell 19 you? 20 A. He says I got to be more 21 aggressive. 22 Q. And after speaking with your 23 boss, and I assume by your boss you mean 24 Joe Stackhouse?</p> | <p style="text-align: right;">134</p> <p>1 said, just work with me, please, that I 2 live in Dover. I don't have to be here 3 once a week, I can come here every other 4 day for maybe ten, fifteen minutes and I 5 will just maintain it. 6 So I even went above and 7 beyond, and I never did that with any of 8 the other stores and I just wanted her to 9 hear me out, and I was just trying to be 10 on a personal approach with her, too, and 11 just being professional, and she said 12 that it just simply didn't matter. 13 Q. She said what? 14 A. It simply didn't matter. 15 Q. Did you ever talk to anybody 16 else after she told you that it didn't 17 matter? 18 A. Well, I talked to Joe 19 Stackhouse before that, but after she 20 told me that, I already made up -- I 21 already pretty much -- I shouldn't say 22 made up my mind, but had just a strong 23 feeling that, you know, she wasn't going 24 to work with me regardless of the</p> |
| <p>1 A. Yes, sir. 2 Q. After that, did you go back 3 to Debbie and ask her for different 4 space? 5 A. I just asked her if she 6 could work with me a little bit better 7 than what's happening. 8 Q. What do you mean by "what's 9 happening"? 10 A. I told her -- I told her 11 that basically I didn't feel that she was 12 hearing me out and I told her that the 13 product I sell is exclusively Lowe's 14 product, it's a higher profit margin, and 15 it is going to be advantageous and I -- 16 you don't guarantee anything in life, 17 you're not supposed to, but I assured her 18 and I said, if this product is not 19 maintained, if it gets sloppy, if it 20 doesn't stay fully stocked, if it's 21 dirty, take it away from me, you know, 22 give it back to Scott's, but you will 23 make more money off this product, three 24 times more profit margin than Scott's. I</p> | <p style="text-align: right;">135</p> <p>1 situation. 2 Q. Okay. Do you have any idea 3 why that was? 4 A. Yvette. 5 Q. Why do you think it was 6 Yvette? 7 A. Because one time I was 8 outside and -- uhm, the problem is 9 there's too many managers. I mean, I had 10 an approval from another manager -- 11 actually, it was outside garden -- they 12 have an outside garden manager and an 13 inside garden manager and there's in 14 between. You have inside garden, outside 15 garden, then you have a seasonal room, 16 which is in the middle of inside and 17 outside. I guess you kind of say inside/ 18 outside. They are kind of both managers 19 of that one area. 20 And I had placed some 21 product there with approval to get some 22 stuff in the seasonal room, like the 23 insecticide trigger bottles of -- and 24 just various things for plants, seasonals</p> |

1 for indoor plants primarily. And Debbie
2 was talking to me and wanted to know why
3 this, this, this and that was there.

4 I said the outside manager
5 approved of it. Then Yvette happened to
6 walk by and she got in on the
7 conversation and she goes, you don't do
8 anything without going through me first
9 or Debbie, you know, you don't do
10 anything.

11 And I said, well, I got
12 approval from the outside department.

13 She goes, it don't matter
14 who you get approval from. You got to
15 get approval from either me or Debbie.

16 And I was like, I don't see
17 what the big deal is. And, you know, I
18 mean, it's where it's supposed to be.

19 She goes, it doesn't matter,
20 you just don't do that. And that was it.

21 Q. So you had placed the
22 product there without getting the
23 approval from Debbie?

24 A. Correct.

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1 didn't -- I felt that the product
2 placement was where it was supposed to
3 be, and I didn't feel it was a big deal.

4 I knew from that point on it
5 goes through Debbie or Yvette, but I felt
6 they were making a mountain out of a mole
7 hill.

8 Q. Did they ever address this
9 with you again other than that one
10 instance?

11 A. No, sir.

12 Q. Okay. Any other problems
13 that you had at the Dover store during
14 the time that you worked for Spectrum?

15 A. Yes. At the time -- see, I
16 was still going through the coaching
17 period, so Joe Stackhouse --

18 Q. What do you mean by "the
19 coaching period"?

20 A. The process of learning
21 about vendor manage inventory.

22 Q. Okay.

23 A. And a gentleman by the name
24 of Mike, I'm trying to remember his last

1 Q. And that's what Yvette was
2 upset about?

3 A. And also I didn't talk to
4 her either.

5 Q. Okay. But she said you have
6 to get the approval from her or from
7 Debbie; is that right?

8 A. Yes, sir.

9 Q. Okay. And you had not done
10 that?

11 A. Yes, sir.

12 Q. Correct, you had not done
13 it?

14 A. Correct.

15 Q. Okay.

16 A. On a footnote --

17 Q. Okay.

18 A. -- okay, I didn't know that

19 I would have to go to Yvette or Debbie
20 because it was in the seasonal room, and
21 I did ask the outside garden manager if I
22 could put it there, because they have
23 just as many products in the seasonal
24 room -- just as much as the inside, and I

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1 name, but I can't remember his last name,
2 but he's from New Jersey, same position,
3 market sales manager.

4 Q. What do you mean by "same
5 position"?

6 A. Same position as me, just a
7 different location, market sales manager
8 for Spectrum.

9 Q. Okay.

10 A. He just does it in New
11 Jersey and I just happened to do it in
12 Delaware, and one of the coaching phases
13 is to have him work with me at different
14 stores, and on this particular day it was
15 in the Dover store.

16 The situation was there was
17 a lot of stuff, that I don't know why,
18 but on the overhead it seemed like every
19 pallet in the overhead was Spectrum
20 brands. There wasn't -- everything. I
21 mean, in the seasonal room in the inside
22 garden, I mean, there was just like
23 dozens of pallets.

24 And so I had a lady by the

36 (Pages 138 to 141)

WILLIAM HANSON,

1 name of Juanita who works in shipping and
 2 receiving -- and I didn't get all the
 3 pallets down, but I got like eight or ten
 4 pallets down, two thirds of it, and we
 5 put it to the side to where it wouldn't
 6 be in the customer's way. We put the big
 7 pallets by the bays out of the customer's
 8 way, but you could see a whole aisle full
 9 pallets with the intent of putting
 10 everything on the shelf because we were
 11 just going to do Dover that day because
 12 that's how bad it was.

13 And then from being in the
 14 inside garden department to where Yvette
 15 was at, and this probably was a good --
 16 probably was a good hundred yards, I mean
 17 it's pretty far, she's like, Mr. Hanson,
 18 because that's my last name, and she said
 19 it louder and louder and louder, instead
 20 of -- she said it loud. I think on the
 21 fourth or fifth time I went to the front
 22 desk to approach her.

23 She was calling me up. She
 24 goes, what the hell are you doing, real

142 1 because the product that I sell is Lowe's
 2 product, Lowe's product is higher profit
 3 margin, only sold at Lowe's, so whatever
 4 I did was to make more money for her with
 5 gross margins sales, and my being there,
 6 it will look better, because the sales
 7 associate has five departments. When I
 8 am there, I focus on just my product,
 9 which is just like one aisle. So it
 10 didn't make any sense. It wasn't even
 11 sensible that she would make a big deal
 12 out of work getting done, and it was all
 13 focused on me that I needed to get that
 14 back up and, you know, just get out of
 15 the store, which I just simply did not
 16 understand at all.

17 Q. Did you ask her why?
 18 A. I didn't ask her why, but I
 19 told her that I needed to get done. She
 20 said that she didn't care, that she
 21 didn't have all night, one of the two,
 22 and that basically half that stuff needed
 23 to get back up and the other half we
 24 better hurry up and get it done and get

143 1 loud in front of customers and workers.
 2 I said, I'm putting
 3 merchandise away.
 4 She goes, did you have to
 5 get all that down?
 6 And I said, yes. I said,
 7 it's not going to make any money being on
 8 top of the shelf.
 9 She goes, well, you need to
 10 get rid of it right now.
 11 I said, there's ten pallets.
 12 I will probably be here all night.
 13 She goes, well, we don't got
 14 all night. You need to get some of that
 15 stuff back up, which I didn't understand.
 16 So we put half of the
 17 pallets back up on the overhead and then
 18 the other half we put back up on the
 19 shelf, but I just felt like -- I mean, I
 20 didn't really get why she would do that
 21 because that's -- I mean -- I -- and this
 22 is like my opinion. I mean, I felt that,
 23 I mean, she was just out to -- she had
 24 something against me for some reason

144 1 it over with.
 2 Q. Why did you have to hurry
 3 up?
 4 A. I will be honest with you, I
 5 don't know.
 6 Q. Was the store about to
 7 close?
 8 A. No, it was probably about
 9 quarter after -- I'm not going to say
 10 times because I will just be guessing.
 11 It was early afternoon, could be 4:00 or
 12 5:00.
 13 Q. Was the store about to close
 14 at that point in time?
 15 A. No, sir. The store doesn't
 16 close until 10:00.
 17 Q. Okay. So was it your
 18 understanding that she didn't want ten
 19 pallets sitting out there in the aisles?
 20 A. That could have been it.
 21 Not to speak for her, but the pallets
 22 were out of the way, out of the
 23 customer's way, so in no shape or form
 24 were the pallets going to injure anyone

1 or affect anyone shopping, and that was
 2 what I was trying to explain to her, but
 3 she didn't want to hear me out. It was
 4 cut throat, get half of it up, whatever
 5 is left on the floor, get it up, done and
 6 over with quick.

7 Q. Was this other employee Mike
 8 there when this happened?

9 A. Yes.

10 Q. Did he say anything to you
 11 about it?

12 A. He says -- I don't remember
 13 what he said verbatim, but he was just
 14 shocked. He goes, I don't like to -- I'm
 15 not going to say what he said verbatim,
 16 but he said something like, you know,
 17 Jesus, whatever. I'm not going to say
 18 that, but he said she treats you like an
 19 adopted stepchild.

20 And I said, yeah, I know.

21 And he had called Joe
 22 Stackhouse from his phone, because he was
 23 upset just as much as I was, so upset
 24 that we had to put everything we had

146 1 said, you know, just do whatever you can,
 2 but at that point I felt like -- I don't
 3 know if Joe, uhm, you know, made his
 4 opinions about me that day or whatever,
 5 but he can -- he's an adult, but she said
 6 something negative about me that caused
 7 him to say what he said.

8 Q. How do you know that she had
 9 said something negative about you?

10 A. Because he said, well, she
 11 said these things about you, about this,
 12 this and that. I don't remember
 13 verbatim.

14 One of them was like that,
 15 uhm, I had stuff where it wasn't supposed
 16 to be. I guess she was referring to when
 17 I had the items in the seasonal
 18 department, when I had asked the outside
 19 department manager -- probably one of
 20 those examples where I didn't ask Yvette
 21 or Debbie, can I put this here, and I
 22 asked another outside manager to put it
 23 there. So she probably brought -- she
 24 probably said -- I don't know what they

147 1 down, half of it had to go back up, so he
 2 had called Joe Stackhouse and Stackhouse
 3 called Yvette to figure out what's going
 4 on, and basically he just made a -- Joe
 5 never told me exactly what she said about
 6 me, but he basically -- whatever she had
 7 told him, it basically was negative
 8 remarks about me.

9 And then Joe had called Mike
 10 back up and then Mike gave me his phone,
 11 and I spoke to him on the phone right
 12 after he spoke with Yvette, and he says,
 13 what's going on, you know, she is saying
 14 all these things about you, you know, I
 15 can't understand it, you know, this is --
 16 you know, I didn't hear anything about
 17 your other stores, but the Dover store is
 18 the only one I hear about. You live in
 19 Dover. Dover should be your best store
 20 and it's not. I can't understand what's
 21 going on, this and that.

22 But Mike had vouched for me,
 23 so it did help me out as far as Joe not
 24 being too hard on me, and, uhm, he just

149 1 said, but I'm assuming it would -- that
 2 it would be something to that effect.
 3 And based on that, that's why he said,
 4 you know, well, she said these negative
 5 things about you. Like I said, again,
 6 I'm assuming that was like one of the
 7 things.

8 Q. Is that what he said to you,
 9 he said she said negative things about
 10 you?

11 A. Yes, sir.

12 Q. He didn't give you any other
 13 details?

14 A. No details.

15 Q. Okay. These pallets that
 16 you had lifted down, these ten pallets,
 17 were they where they were supposed to be?

18 A. The way I will answer that,
 19 the -- I'm not going to say the
 20 pallets -- the pallets were all mixed up.
 21 I'm not going to say like if I had the
 22 pallet like here, wherever this pallet
 23 was, I'm not saying this goes on that
 24 shelf. It's a big aisle, so the pallets